

REMARKS

Claims 1-20 are all the claims pending in the application. By this amendment, claims 1, 2, 4, 5, 8 and 10 are amended and new claims 11-20 are added. In view of the foregoing amendments and following Remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

I. Formalities

Applicant thanks the Examiner for acknowledging foreign priority, and for indicating consideration of the references filed in the Information Disclosure Statement on December 5, 2003. However, applicant respectfully requests that the Examiner provide applicant with an initialed form PTO-1449 to confirm consideration of these references.

Additionally, the Examiner objects to claims 2, 4, 5 and 10 due to an alleged informality. As shown in the foregoing amendments, these claims have been amended in a non-narrowing manner to overcome these objections. Accordingly, applicant respectfully requests withdrawal of the objections.

II. 35 U.S.C. § 112

Claims 1, 2 and 10 stand rejected under 35 U.S.C. § 112, 2nd paragraph due to alleged indefiniteness. As shown in the foregoing amendment, the claims have been amended in a non-narrowing manner that is believed to overcome the rejections. Accordingly, applicant respectfully requests withdrawal of the rejections.

III. 35 U.S.C. § 102

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) due to alleged anticipation based on U.S. Patent Publication No. 2002/0150228 (hereafter “Umeda”). Applicant respectfully submits that Umeda fails to disclose all of the claimed combinations of features, as required for an anticipation rejection.

As a preliminary matter, applicant notes that Umeda is a National Stage entry of a PCT application. The PCT application was filed on August 10, 2001. However, because the PCT application was only published in the Japanese language, it does not qualify as prior art under 35 U.S.C. § 102(e). Therefore, applicant respectfully submits that the present grounds of rejection is improper. However, applicant respectfully also submits that even if the rejection could be proper under another section of 35 U.S.C. § 102, the claims would still not be anticipated, for at least the reasons discussed below.

The presently claimed invention is directed to a fixed transmitting station of a wireless telecommunication system. As explained in great detail in the background discussion of the present application page pages 1-3, there is a problem unique to the fixed transmitting station, in that human exposure to RF emissions due to the electromagnetic environment (EME) must be monitored for safety purposes, and in accordance with various national and international standards. Further, the prior art is directed to a field probe and a measurement device connected to a mobile device such as a laptop. However, the use of a mobile measurement device for monitoring EME changes has various problems, as also explained in the background section of the present application.

In contrast to the mobile-based measurement of the EME, the presently claimed invention is directed to a fixed transmitting station of a wireless telecommunication system that includes an antenna. The EME of the antenna of the fixed transmitting station is measured by a fixed probe 114 that is connected to a cable 114 of the fixed transmitting station. Further, data is transmitted to a central control unit 124.

Umeda discloses a mobile communication system for roaming between different kinds of networks. As shown in FIG. 3, a communication terminal 200 is connected to an antenna 204. As shown in FIG. 4, the information terminal 300 includes an environment detecting section 310. Paragraph [0038] of Umeda explains that the environmental detection section 310 includes an apparatus for detecting an environment in which the information terminal 300 is placed (e.g., train, bus, theater, hospital, etc.). Based on this statement as well as others throughout Umeda, applicant respectfully submits that the information terminal 300 is clearly a mobile station. Further, Umeda does not even discuss monitoring the EME in view of health and safety concerns, or in conjunction with national or international safety standards. Paragraphs [0047]-[0048] further clarify that the electromagnetic wave environment that is being monitored is with respect to movement of the information terminal, such as based on the movement between indoors and outdoors, or to the shady side of a building. Applicant respectfully submits that if the information terminal 300 was fixed, then there would be no need to monitor the foregoing information, because it would never move between such locations.

Additionally, paragraph [0048] introduces discussion of the term “base station”, as a station that communicates with the communication terminal 200 via a NW detecting section 206. Applicant respectfully submits that if the communication terminal 200 was fixed, it would not

need to detect reception levels of the perch channels of a plurality of base stations, as explained in this passage of Umeda.

Accordingly, and because the communication terminal 200 includes structures such as the environmental detecting section 310 that collect data that is uniquely usable by a mobile terminal, and not useful for a fixed terminal, applicant respectfully submits that the disclosure of Umeda cited by the Examiner does not disclose a fixed transmission station. In fact, applicant respectfully submits that Umeda is no closer to the claimed invention than the background art disclosed in the present application at page 2, lines 4-8, i.e., a laptop with an EM field sensor. This becomes even more clear when reviewed in view of FIGS. 7-10.

Thus, applicant respectfully submits that Umeda fails to disclose all of the claimed combinations of features. For example, applicant respectfully submits that Umeda fails to disclose a measurement means for electromagnetic field measurements of an electromagnetic environment of an antenna, as recited in independent claims 1, 8 and 10. In contrast to the claimed invention, Umeda discloses detection of an electromagnetic signal at a mobile device where an operator would be using the mobile phone. As explained above and the in the specification, the presently claimed invention is distinguishable at least in that it is directed to a fixed terminal measurement device that does not require a human operator to be present.

Further, the terminology “measurement means” requires the Examiner to examine the claims under 35 U.S.C. § 112, 6th paragraph and in view of MPEP 2181 *et seq.* Applicant respectfully submits that the corresponding structure includes at least a probe positioned on the fixed terminal, and connected between an antenna and a cable. Applicant respectfully submits that this corresponding structure is not the same or equivalent to that of Umeda.

For at least the foregoing reasons, applicant respectfully requests withdrawal of the rejection of independent claims 1, 8 and 10, and allowance thereof.

Dependent claims 2-7 depend from independent claim 1, and dependent claim 9 depends from independent claim 8. Applicant respectfully submits that these dependent claims are allowable for at least the reasons discussed above, and by virtue of their dependency from independent claims 1 and 8, which are believed to be allowable for at least the reasons discussed above.

Additionally, applicant respectfully submits that Umeda fails to disclose the subject matter recited in claim 2. The Examiner has stated that Umeda discloses a cable as claimed in claim 2. However, applicant has reviewed Umeda, and finds no cable disclosed therein. Accordingly, applicant respectfully disagrees with the Examiner's characterization of Umeda with respect to claim 2. In fact, Umeda clearly discloses the wireless nature of communication of various signals, and especially in view of the communication terminal 200 being mobile. Applicant also respectfully submits that Umeda fails to disclose transmission of the alerts as recited in claim 5.

For at least the foregoing reasons, applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §102.

IV. New Claims

As shown in the foregoing amendments, applicant has added new claims 11-20, which are directed to additional aspects of the present invention, as disclosed at pages 6-10 of the present application specification. Applicant respectfully submits that the new claims are in proper condition for allowance, and therefore respectfully requests allowance thereof.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: March 5, 2007